

United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:14-cv-06089-MH

CAPUTO v. CITY OF PHILADELPHIA et al
Assigned to: MAGISTRATE JUDGE MARILYN HEFFLEY
Cause: 42:1983 Civil Rights Act

Date Filed: 10/24/2014
Date Terminated: 06/03/2016
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

RALPH CAPUTO

represented by **DAVID M. RAPOPORT**
LAW OFFICES DAVID M. RAPOPORT
TWO PENN CENTER PLAZA SUITE 1410
15TH STREET & J.F.K. BLVD
PHILADELPHIA, PA 19102
215-963-9393
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

CITY OF PHILADELPHIA

represented by **MARK MAGUIRE**
PHILADELPHIA OFFICE OF CITY SOLICITOR
1515 ARCH STREET
PHILADELPHIA, PA 19102
215-683-5439
Email: mark.maguire@phila.gov
ATTORNEY TO BE NOTICED

Defendant

CHRISTIAN FENICO

INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS A POLICE OFFICER IN
THE PHILADELPHIA POLICE DEPARTMENT

represented by **MARK MAGUIRE**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

OFFICER FISHER

INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS A POLICE OFFICER IN
THE PHILADELPHIA POLICE DEPARTMENT

represented by **MARK MAGUIRE**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

LOUIS CAMPIONE

CAPTAIN CITY OF PHILADELPHIA POLICE DEPARTMENT, 1ST DISTRICT
(INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY)

represented by **MARK MAGUIRE**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

CHARLES H. RAMSEY

INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS A POLICE
COMMISSIONER OF THE CITY OF PHILADELPHIA

represented by **MARK MAGUIRE**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

JOHN DOE I-V

CITY OF PHILADELPHIA POLICE DEPARTMENT (INDIVIDUALLY AND IN
THEIR OFFICIAL CAPACITY)

Date Filed	#	Docket Text
10/24/2014	1 R	COMPLAINT against LOUIS CAMPIONE, CITY OF PHILADELPHIA, JOHN DOE I-V, CHRISTIAN FENICO, FISHER, CHARLES H. RAMSEY (Filing fee \$ 400 receipt number 110152.), filed by RALPH CAPUTO. (Attachments: # 1 Civil Cover Sheet)(ks,) (Additional attachment(s) added on 12/17/2014: # 2 Designation Form) (sbt,). (Entered: 10/27/2014)
10/24/2014		5 Summonses Issued as to LOUIS CAMPIONE, CITY OF PHILADELPHIA, CHRISTIAN FENICO, FISHER, CHARLES H. RAMSEY. Forwarded To: Counsel on 10/27/14 (ks,) (Entered: 10/27/2014)
10/24/2014		DEMAND for Trial by Jury by RALPH CAPUTO. (ks,) (Entered: 10/27/2014)
11/25/2014	2	WAIVER OF SERVICE Returned Executed by RALPH CAPUTO. LOUIS CAMPIONE waiver sent on 11/10/2014, answer due 1/9/2015; CITY OF PHILADELPHIA waiver sent on 11/10/2014, answer due 1/9/2015; CHRISTIAN FENICO waiver sent on 11/10/2014, answer due 1/9/2015; FISHER waiver sent on 11/10/2014, answer due 1/9/2015; CHARLES H. RAMSEY waiver sent on 11/10/2014, answer due 1/9/2015. (RAPOPORT, DAVID) (Entered: 11/25/2014)
01/29/2015	3	Request for Default RALPH CAPUTO against CITY OF PHILADELPHIA. (RAPOPORT, DAVID) (Entered: 01/29/2015)
01/29/2015	4	Request for Default RALPH CAPUTO against CHRISTIAN FENICO. (RAPOPORT, DAVID) (Entered: 01/29/2015)
01/29/2015	5	Request for Default RALPH CAPUTO against FISHER. (RAPOPORT, DAVID) (Entered: 01/29/2015)
01/29/2015	6	Request for Default RALPH CAPUTO against LOUIS CAMPIONE. (RAPOPORT, DAVID) (Entered: 01/29/2015)
01/29/2015	7	Request for Default RALPH CAPUTO against CHARLES H. RAMSEY. (RAPOPORT, DAVID) (Entered: 01/29/2015)
01/29/2015		DEFAULT BY LOUIS CAMPIONE, CITY OF PHILADELPHIA, CHRISTIAN FENICO, FISHER, CHARLES H. RAMSEY FOR FAILURE TO APPEAR, PLEAD OR OTHERWISE DEFEND. (VACATED AS PER DOC. NO. 15 R)(sg,) (Entered: 01/30/2015)
01/29/2015		Default Entered . (VACATED AS PER DOC. NO. 15 R)(sg,) (Entered: 01/30/2015)
01/29/2015	8	ORDER THAT THIS CASE IS REASSIGNED FROM HONORABLE L. FELIPE RESTREPO TO HONORABLE MARK A. KEARNEY FOR ALL FURTHER PROCEEDINGS. SIGNED BY MICHAEL E. KUNZ ON 1/29/2015. 1/30/2015 ENTERED AND COPIES MAILED TO UNREPS AND E-MAILED.(sg,) (Entered: 01/30/2015)
02/04/2015	9	ORDER THAT A DAMAGES HEARING SHALL BE HELD ON 3/12/2015 AT 9:00 A.M., IN COURTROOM 3D, ETC. IT IS FURTHER ORDERED THAT PLFF SHALL PROVIDE THIS ORDER TO ALL DEFTS BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. PLFF SHALL FILE PROOF OF SERVICE OF THIS ORDER WITH THE CLERK OF COURT BY 2/19/2015. SIGNED BY HONORABLE MARK A. KEARNEY ON 2/4/15. 2/4/15 ENTERED AND COPIES E-MAILED.(kw,) (Entered: 02/04/2015)
02/23/2015	10	CERTIFICATE OF SERVICE by RALPH CAPUTO (Attachments: # 1 Exhibit A)(RAPOPORT, DAVID) (Entered: 02/23/2015)
02/26/2015	11	ANSWER to 1 R Complaint by LOUIS CAMPIONE, CITY OF PHILADELPHIA, CHRISTIAN FENICO, CHARLES H. RAMSEY(MAGUIRE, MARK) (Entered: 02/26/2015)

02/26/2015	12	MOTION to Set Aside Default filed by LOUIS CAMPIONE, CITY OF PHILADELPHIA, CHRISTIAN FENICO, CHARLES H. RAMSEY.Certificate of Service (MAGUIRE, MARK) (Entered: 02/26/2015)
03/04/2015	13	RESPONSE in Opposition re 12 MOTION to Set Aside Default filed by RALPH CAPUTO. (Attachments: # 1 Text of Proposed Order Proposed Order, # 2 Certificate of Service, # 3 Exhibit All exhibits)(RAPOPORT, DAVID) (Entered: 03/04/2015)
03/06/2015	14 R	MEMORANDUM AND/OR OPINION. SIGNED BY HONORABLE MARK A. KEARNEY ON 3/6/2015. 3/9/2015 ENTERED AND COPIES E-MAILED.(sg,) (Entered: 03/09/2015)
03/06/2015	15 R	ORDERED THAT DEFENDANTS MOTION TO SET ASIDE DEFAULT (DOC. NO. 12) IS GRANTED. DEFEDANTS ANSWER (ECF. NO. 11) IS ACCEPTED. THE CLERK OF COURT SHALL VACATE THE ENTRY OF DEFAULT AGAINST ALL DEFENDANTS. THE DAMAGES HEARING SCHEDULED FOR 3/12/2015 IS CANCELLED. THE ORDER SETTING A DAMAGES HEARING FOR 3/12/2015 IS VACATED. SIGNED BY HONORABLE MARK A. KEARNEY ON 3/6/2015. 3/9/2015 ENTERED AND COPIES E-MAILED.(sg,) (Entered: 03/09/2015)
03/11/2015	16	ORDERED THAT AN INITIAL PRETRIAL CONFERENCE IS SET FOR 3/25/2015 03:00 PM IN COURTROOM 5D BEFORE HONORABLE MARK A. KEARNEY. SIGNED BY HONORABLE MARK A. KEARNEY ON 3/11/2015. 3/11/2015 ENTERED MAILED UNREP AND COPIES E-MAILED.(sg,) (Entered: 03/11/2015)
03/19/2015	17	Report Of <i>26(f) meeting</i> by LOUIS CAMPIONE, CITY OF PHILADELPHIA, CHRISTIAN FENICO, FISHER, CHARLES H. RAMSEY. (MAGUIRE, MARK) (Entered: 03/19/2015)
03/25/2015	18	Minute Entry for proceedings held before HONORABLE MARK A. KEARNEY Pretrial Conference held on 3/25/2015. (sg,) (Entered: 03/26/2015)
03/25/2015	19	ORDER THAT DEFENDANTS SHALL AMEND THEIR ANSWER (ECF DOC. NO. 11) ON OR BEFORE 4/1/2015. SIGNED BY HONORABLE MARK A. KEARNEY ON 3/25/2015. 3/26/2015 ENTERED AND COPIES MAILED UNREP AND E-MAILED.(sg,) (Entered: 03/26/2015)
03/25/2015	20	SCHEDULING ORDER: THE PARTIES AGREED TO REFER THE MATTER TO MAGISTATE JUDGE HEFFLEY FOR ALL PURPOSES. ETC.. SIGNED BY HONORABLE MARK A. KEARNEY ON 3/25/2015. 3/26/2015 ENTERED AND COPIES MAILED UNREP AND E-MAILED (sg,) (Entered: 03/26/2015)
04/07/2015	21 R	AMENDED ANSWER to 1 R Complaint, by LOUIS CAMPIONE, CITY OF PHILADELPHIA, CHRISTIAN FENICO, CHARLES H. RAMSEY.(MAGUIRE, MARK) (Entered: 04/07/2015)
04/16/2015	22	CONSENT to Jurisdiction by US Magistrate Judge by CITY OF PHILADELPHIA.. (MAGUIRE, MARK) (Entered: 04/16/2015)
04/17/2015	23	ORDER THAT THIS IS REFERRED TO UNITED STATES MAGISTRATE JUDGE MARILYN HEFFLEY TO CONDUCT ALL PROCEEDINGS AND ORDER THE ENTRY OF A FINAL JUDGMENT. SIGNED BY HONORABLE MARK A. KEARNEY ON 4/17/2015. 4/17/2015 ENTERED AND COPIES MAILED UNREP AND E-MAILED.(sg,) (Entered: 04/17/2015)
04/17/2015	24	NOTICE of Hearing: A TELEPHONE CONFERENCE REGARDING CASE STATUS IS SET FOR WEDNESDAY, APRIL 22, 2015 AT 4:00 PM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. COUNSEL FOR THE PLAINTIFF IS DIRECTED TO INITIATE THE CALL. JUDGE HEFFLEY CAN BE REACHED AT 267-299-7420.(sah) (Entered: 04/17/2015)
04/22/2015	25	MOTION for Protective Order filed by RALPH CAPUTO.Memorandum, Certificate of Service. (Attachments: # 1 Certificate of Service, # 2 Exhibit All Exhibits, # 3 Memorandum, # 4 Text of Proposed Order)(RAPOPORT, DAVID) (Entered: 04/22/2015)
04/23/2015	26	SCHEDULING ORDER: FINAL PRETRIAL CONFERENCE SET FOR 1/25/2016 09:30 AM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. SETTLEMENT CONFERENCE SET FOR 8/13/2015 09:30 AM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. EXPERT DISCOVERY DUE BY 8/14/2015. DISPOSITIVE MOTIONS DUE BY 9/18/2015. MOTION IN LIMINE DUE BY 11/13/2015. JURY TRIAL DATE SET FOR 1/29/2016 09:30 AM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 4/23/2015. 4/23/2015 ENTERED AND COPIES MAILED UNREP AND E-MAILED.(sg,) (Entered: 04/23/2015)
04/23/2015	27	Minute Entry for proceedings held before MAGISTRATE JUDGE MARILYN HEFFLEY Status Conference held on 4/22/2015. (sg,) (Entered: 04/23/2015)
05/05/2015	28	ORDER THAT PLAINTIFFS MOTION FOR A PROTECTIVE ORDER (DOC. NO. 25) IS DENIED. PLAINTIFF IS DIRECTED TO PRODUCE THE VIDEO AT ISSUE IN THE MOTION WITHIN 5 DAYS FROM THE DATE OF THIS ORDER. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 5/5/2015. 5/5/2015 ENTERED AND COPIES MAILED UNREP AND E-MAILED (sg,) (Entered: 05/05/2015)
07/31/2015	29	ORDER THAT A SETTLEMENT CONFERENCE SET FOR 8/13/2015 09:30 AM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 7/31/2015. 7/31/2015 ENTERED AND COPIES MAILED UNREP AND E-MAILED.(sg,) (Entered: 07/31/2015)
08/13/2015	30	SCHEDULING ORDER: FINAL PRETRIAL CONFERENCE SET FOR 1/25/2016 09:30 AM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. SETTLEMENT CONFERENCE SET FOR 11/5/2015 02:00 PM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. DISCOVERY DUE BY 10/30/2015. DISPOSITIVE MOTIONS DUE BY 11/13/2015. MOTION IN LIMINE DUE BY 1/8/2016. TRIAL DATE SET FOR 1/29/2016 09:30 AM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 8/13/2015. 8/13/2015 ENTERED AND COPIES MAILED TO UNREP AND E-MAILED.(sg,) (Entered: 08/13/2015)
08/13/2015	31	ORDER A SETTLEMENT CONFERENCE SET FOR 11/5/2015 02:00 PM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 8/13/2015. 8/13/2015 ENTERED AND COPIES MAILED TO UNREP AND E-MAILED.(sg,) (Entered: 08/13/2015)
08/13/2015	32	Minute Entry for proceedings held before MAGISTRATE JUDGE MARILYN HEFFLEY Settlement Conference held on 8/13/2015. (sg,) (Entered: 08/13/2015)
08/27/2015	33	MOTION to Compel <i>Discovery</i> filed by RALPH CAPUTO.Memorandum, Certificate of Service. (Attachments: # 1 Text of Proposed Order Order, # 2 Exhibit Exhibits A - E) (RAPOPORT, DAVID) (Entered: 08/27/2015)
10/28/2015	34	AMENDED SECOND SETTLEMENT CONFERENCE ORDER, ORDERED THAT A SECOND SETTLEMENT CONFERENCE IS SET FOR 1/13/2016 01:00 PM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. THE CONFERENCE SCHEDULED FOR 11/5/2015 IS CANCELLED. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 10/28/2015. 10/28/2015 ENTERED AND COPIES MAILED TO UNREP AND E-MAILED.(sg,) (Entered: 10/28/2015)
10/28/2015	35	SCHEDULING ORDER: FINAL PRETRIAL CONFERENCE SET FOR 3/21/2016 09:00 AM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. SETTLEMENT CONFERENCE SET FOR 1/13/2016 01:00 PM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. DISCOVERY DUE BY 12/30/2015. JURY SELECTION SET FOR 3/24/2016 09:30AM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. DISPOSITIVE MOTIONS DUE BY 1/13/2016. MOTION IN LIMINE DUE BY 2/10/2016. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 10/28/2015. 10/28/2015 ENTERED AND COPIES MAILED TO UNREPS AND E-MAILED (sg,) (Entered: 10/28/2015)
10/28/2015	36	ORDER THAT PLAINTIFF'S MOTION TO STRIKE OBJECTIONS AND COMPEL DISCOVERY (DOC. 33) IS DISMISSED AS MOOT. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 10/28/2015. 10/28/2015 ENTERED AND COPIES MAILED TO UNREP AND E-MAILED.(sg,) (Entered: 10/28/2015)
01/12/2016	37	ORDER THAT THE SETTLEMENT CONFERENCE SCHEDULED FOR 1/13/2016 HAS BEEN CANCELED. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 1/11/2016. 1/12/2016 ENTERED AND COPIES MAILED TO UNREP AND E-MAILED.(sg,) (Entered: 01/12/2016)
01/13/2016	38	MOTION for Summary Judgment filed by LOUIS CAMPIONE, CITY OF PHILADELPHIA, CHRISTIAN FENICO, FISHER, CHARLES H. RAMSEY.Certificate of Service. (MAGUIRE, MARK) (Entered: 01/13/2016)
01/15/2016	39	THIRD AMENDED SCHEDULING ORDER: FINAL PRETRIAL CONFERENCE SET FOR 7/8/2016 09:00 AM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. DISCOVERY DUE BY 4/14/2016. DISPOSITIVE MOTIONS DUE BY 4/28/2016. MOTION IN LIMINE DUE BY 5/26/2016. TRIAL DATE SET FOR 7/15/2016 09:30 AM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 1/15/2016. 1/15/2016 ENTERED AND COPIES E-MAILED.(sg,) (Entered: 01/15/2016)
01/15/2016	40	Minute Entry for proceedings held before MAGISTRATE JUDGE MARILYN HEFFLEY Status Conference held on 1/15/2016. (sg,) (Entered: 01/15/2016)
03/14/2016	41	ORDER THAT THE DEFENDANTS MOTION FOR SUMMARY JUDGMENT IS DISMISSED WITHOUT PREJUDICE. DEFENDANTS MAY FILE A RENEWED MOTION FOR SUMMARY JUDGMENT AT THE TIME STATED IN THIS COURT'S THIRD AMENDED SCHEDULING ORDER (DOC. 39). SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 3/14/2016.3/15/2016 ENTERED AND COPIES E-MAILED.(sg,) (Entered: 03/15/2016)
04/18/2016	42	FOURTH AMENDED SCHEDULING ORDER: FINAL PRETRIAL CONFERENCE SET FOR 7/8/2016 09:00 AM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. DISCOVERY DUE BY 5/16/2016. DISPOSITIVE MOTIONS DUE BY 5/30/2016. MOTION IN LIMINE DUE BY 7/8/2016. TRIAL DATE SET FOR 7/15/2016 09:30 AM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 4/18/2016. 4/18/2016 ENTERED AND COPIES E-MAILED.(sg,) (Entered: 04/18/2016)
05/18/2016	43	MOTION for Discovery filed by RALPH CAPUTO.Memorandum, Certificate of Service. (Attachments: # 1 Text of Proposed Order, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C) (RAPOPORT, DAVID) (Entered: 05/18/2016)
05/19/2016	44	NOTICE of Hearing: A TELEPHONE CONFERENCE REGARDING THE CASE STATUS IS SET FOR WEDNESDAY, MAY 25, 2016 AT 9:30 AM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. COUNSEL FOR PLAINTIFF IS DIRECTED TO INITIATE THE CALL. JUDGE HEFFLEY CAN BE REACHED AT 267-299-7420.(sah) (Entered: 05/19/2016)
05/25/2016	45	SCHEDULING ORDER: THIS CASE IS REFERRED TO MAGISTRATE JUDGE JACOB D. HART FOR SETTLEMENT PURPOSES. FINAL PRETRIAL CONFERENCE SET

05/25/2016	46	COMPUTING ORDER. THIS CASE IS REFERRED TO MAGISTRATE JUDGE HEFFLEY FOR SETTLEMENT CONFERENCE. TRIAL DATE SET FOR 1/4/2017 09:00 AM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. DISCOVERY DUE BY 7/27/2016. DISPOSITIVE MOTIONS DUE BY 9/19/2016. MOTION IN LIMINE DUE BY 10/31/2016. TRIAL DATE SET FOR 1/17/2017 09:30 AM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 5/25/2016. 5/25/2016 ENTERED AND COPIES E-MAILED.(sg,) (Entered: 05/25/2016)
05/26/2016	46	Minute Entry for proceedings held before MAGISTRATE JUDGE MARILYN HEFFLEY Status Conference held on 5/25/2016. (sg,) (Entered: 05/26/2016)
05/26/2016		Set/Reset Scheduling Order Deadlines: TRIAL DATE SET FOR 1/17/2017 09:30 AM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. (sg,) (Entered: 05/26/2016)
05/26/2016	47	ORDER THAT A SETTLEMENT CONFERENCE IS SET FOR 6/2/2016 10:00 AM IN COURTROOM 3D BEFORE MAGISTRATE JUDGE JACOB P. HART. SIGNED BY MAGISTRATE JUDGE JACOB P. HART ON 5/26/2016. 5/26/2016 ENTERED AND COPIES E-MAILED.(sg,) (Entered: 05/26/2016)
06/02/2016	48	Minute Entry for proceedings held before MAGISTRATE JUDGE JACOB P. HART. Settlement Conference held on 6/2/16. (gs) (Entered: 06/02/2016)
06/03/2016	49	ORDER DISMISSING ACTION WITH PREJUDICE PURSUANT TO LOCAL RULE 41.1(b). SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 6/3/2016. 6/3/2016 ENTERED AND COPIES E-MAILED (sg,) (Entered: 06/03/2016)

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